



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Goodwin Procter, LLP
599 Lexington Avenue
New York, NY 10022

COPY MAILED

NOV 14 2005

OFFICE OF PETITIONS

In re Application of :
Jurgen Engel, et. al. :
Application No. 10/748,887 : ON PETITION
Filed: July 30, 2002 :
Attorney Docket No. 103832-512-NP :
:

This is a decision on the petition under 37 CFR 1.137(b), filed July 27, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply to the non-final Office action mailed November 24, 2004.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and specification; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

The Office acknowledges receipt of \$1,020 for a three (3) month extension of time, filed July 27, 2005. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,020 extension of time fee was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being referred to Technology Center Art Unit 1646, for review of the amendment and specification filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrew Smith
Petitions Examiner
Office of Petitions